



# Aquaculture and Fisheries (Scotland) Act 2013

2013 asp 7

## PART 3

### SEA FISHERIES

#### *Supplementary*

#### **52 Conclusion of proceedings**

- (1) This section applies for determining when any proceedings have concluded for the purposes of this Part.
- (2) Where proceedings are terminated by an appealable decision, they are not to be regarded as concluded—
  - (a) until the end of the ordinary time for appeal against the decision, if no appeal in respect of the decision is brought within that time, or
  - (b) if an appeal in respect of the decision is brought within that time, until the conclusion of the appeal.
- (3) Subsection (2) applies for determining when any proceedings on appeal are concluded for the purposes of paragraph (b) of that subsection as it applies for determining when the original proceedings are concluded.
- (4) Any reference in subsection (2) to a decision that terminates proceedings includes a reference to a verdict, sentence, finding or order that puts an end to the proceedings.

#### **Commencement Information**

**II** S. 52 in force at 16.9.2013 by [S.S.I. 2013/249](#), [art. 2](#)

#### **53 Interpretation of Part 3**

- (1) In this Part—

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*Changes to legislation: There are currently no known outstanding effects for the Aquaculture and Fisheries (Scotland) Act 2013, Cross Heading: Supplementary. (See end of Document for details)*

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“appropriate fixed penalty” has the meaning given in section 27(2) of the Aquaculture and Fisheries (Scotland) Act 2007 (amount and payment of fixed penalty),

“fish” includes shellfish,

“fixed penalty notice” means a fixed penalty notice under section 25(1) of the Aquaculture and Fisheries (Scotland) Act 2007,

“the Scottish enforcement area” means—

- (a) Scotland, and
- (b) the Scottish zone,

“Scottish fishing boat” means a fishing vessel which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Scotland as the port to which the boat is to be treated as belonging,

“the Scottish zone” has the same meaning as in the Scotland Act 1998 (see section 126(1) and (2) of that Act),

“sea fisheries legislation” means, subject to subsection (2)—

- (a) any enactment relating to sea fishing, including any enactment relating to fishing for shellfish, salmon or migratory trout, and
- (b) [<sup>F1</sup>any [<sup>F2</sup>assimilated] restrictions and [<sup>F2</sup>assimilated] obligations (within the meaning of schedule 1 of the Interpretation Act 1978 ) relating to sea fishing.]

(2) “Sea fisheries legislation” does not include—

- (a) the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003, or
- (b) any Order in Council under section 111 of the Scotland Act 1998 (regulation of Border rivers).

#### Textual Amendments

- F1** Words in s. 53(1) substituted (31.12.2020) by [The Fisheries \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/24\)](#), regs. 1(2)(b), **7(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in s. 53(1) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 1 para. 9(2)**

**Changes to legislation:**

There are currently no known outstanding effects for the Aquaculture and Fisheries (Scotland) Act 2013, Cross Heading: Supplementary.